

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

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WRIT PETITION NO : 15595 of 2005

Between:

1. Balla Giridhar, S/o. B.Ch. Satyanarayana,
R/o. Flat No.11, Soundarya Apartments, Sriramnagar,
Kakinada, East Godavari District.
2. Varanasi Sugeetha, W/o. Srinivas,
R/o. Door No.7-68, Post Office Bldgs, Indrapalem, Kakinada,
E.G.District.
3. Challa Sri Lakshmi, W/o. Subrahmanyam,
R/o. H.No.2-22,-197/B, Plot No.144, Bhagya Nagar,
Hyderabad.

..... PETITIONERS

AND

1. The Special Officer, Municipal Corporation, Kakinada,
E.G.District.
2. The Commissioner, Municipal Corporation, Kakinada,
E.G.District.
3. The Town Planning Supervisor, Municipal Corporation,
Kakinada, E.G.District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to Issue a writ, order or direction more particularly a writ in the nature of Writ of

Mandmaus by declaring the notices in UC.No.1/2005, BOI Dt. 30.5.2005 issued by the Respondents and attempting to demolish structures raised in the premises Door No.69-7-25 in Sy.No.210/7(P) situated at Ramanayyapet, Vegulla Papayya Road Kakinada, East Godavari District is illegal, arbitrary.

Counsel for the Petitioners :MR.E.SAMBASIVA PRATAP

Counsel for the Respondents: MR.S.NAGESWARA REDDY

The Court made the following:

ORDER:

Heard the counsel for the petitioner and standing counsel Sri S.Nageshwar Reddy, for respondent-Municipal Corporation.

Aggrieved by the notice in Ucno.1/2005 BO I dated 30.05.2005 issued by the respondents and the in attempting to demolish the structures raised in premises door No.69-7-25 in Survey No. 210/7(P) situated at Ramayampet, Vegulla Papayya Road, Kakinada, East Godavari District, the present writ petition is filed.

From the affidavit filed in support of the writ petition and from the contentions raised by the counsel for the petitioners, it appears that by the impugned notice, which was set to be served on the petitioners at 11.30AM on 16.07.2005, the petitioners were called upon to show cause within three days why the building constructed by them in contravention of the sanctioned plan, shall not be removed. The petitioners instead of filing explanation to the show cause notice have directly approached this Court.

Since it is for the respondent authorities to consider the case of the petitioner and since it is only at the stage of show cause notice, this writ petition is disposed of with the following direction at the stage of admission.

The petitioners shall submit their explanation to the impugned show cause notice dated 30.05.2005 within a period of one week from the date of receipt of a copy of this order and thereupon the respondents shall dispose of the same in accordance with law within a period of four weeks thereafter. Till such time the respondents shall not demolish the structure in dispute.

In the circumstances of the case there shall be no order as to costs.

18-07-2005

kvrn

To

1. The Special Officer, Municipal Corporation, Kakinada,
E.G.District.
2. The Commissioner, Municipal Corporation, Kakinada,

E.G.District.
3. The Town Planning Supervisor, Municipal Corporation,

Kakinada, E.G.District.
4. 2 CD copies.